REMARKS

Claims 1, 2, 5, and 9-13 are now pending in the application. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-2, 5, 9-10, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer et al. (U.S. Pat. No. 6,619,689) in view of DiBattista et al. (U.S. Pub. No. 2003/0132657).

Claims 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Spencer et al. and DiBattista et al., as applied to Claim 1 above, and further in view of Conlee et al. (U.S. Pat. No. 6,758,493).

These rejections are respectfully traversed.

Applicants respectfully submit that the cited art of record fails to teach or suggest a method of making an airbag including blow molding a plastic comprising acrylonitrile-butadiene-styrene (ABS) and polycarbonate (PC) and, in fact, teaches away from forming a flexible material from a plastic comprising ABS and PC. Further, Applicants respectfully submit that the combination of Spencer and DiBattista is improper, as DiBattista is non-analogous art.

Spencer discloses an inflatable knee bolster (232) including a front wall (238) and a body portion (240). See Spencer at Col. 4, Ins. 51-56, and Figures 12-14.

Spencer notes that the front wall (238) and body portion (240) of the knee bolster (232) are injection molded polymers such as, for example, polypropylenes, polycarbonates, polyurethanes, and other suitable thermoplastic materials. See Spencer at Col. 6, ln. 67, through Col. 7, lns. 1-4. Spencer is completely silent with respect to use of ABS in conjunction with any of the foregoing polymers. Applicants note that the Examiner agrees with Applicants' characterization of Spencer, as the Examiner notes that Spencer does not "specifically state using ABS." See the Office Action mailed June 14, 2010 at Page 3.

DiBattista discloses a rigid seat support (10) having a molded flexible cushion (20). See DiBattista at Paragraph [0025] and Figure 1. The seat support (10) is described as being ***rigid*** while the molded cushion (20) is described as being ***flexible***. See DiBattista at Paragraphs [0026] and [0031]. DiBattista notes that the rigid seat support (10) may be formed from various thermoplastic materials including thermoplastic polycarbonate and thermoplastic acrylonitrile-butadiene-styrene and that the molded flexible hollow member (20) may be formed from various thermoplastic materials in conjunction with vulcanizates (i.e., vulcanized alloys of rubber) to provide the thermoplastic cushion (20) with flexibility. See DiBattista at Paragraphs [0027], [0028], and [0031].

Based on the foregoing, Applicants submit that DiBattista discloses use of thermoplastic polycarbonate or thermoplastic acrylonitrile-butadiene-styrene in conjunction with a ***rigid*** seat support (10) but does not disclose use of such materials in forming the ***flexible*** thermoplastic cushion (20). As such, DiBattista discloses use of thermoplastic polycarbonate or thermoplastic acrylonitrile-butadiene-styrene materials

for use in making a ***rigid*** structure but does not disclose use of such materials in making a ***flexible*** structure. As such, Applicants respectfully submit that DiBattista teaches away from using thermoplastic polycarbonate or thermoplastic acrylonitrile-butadiene-styrene in forming a flexible structure—much less a combination of thermoplastic polycarbonate and thermoplastic acrylonitrile-butadiene-styrene.

In addition to teaching away from using thermoplastic polycarbonate and/or thermoplastic acrylonitrile-butadiene-styrene in forming a flexible structure, Applicants respectfully submit that DiBattista is completely silent with respect to incorporating ABS and PC into an airbag. While DiBattista discloses use of these materials generally, Applicants respectfully submit that the implementation of ABS and PC by DiBattista is made with respect to a seat assembly and, further, that use of ABS and PC is used to form a rigid structure.

In addition to the foregoing, Applicants respectfully submit that DiBattista is non-analogous art and therefore is not properly combinable with Spencer, as suggested by the Examiner.

Generally speaking, there are two criteria for determining whether prior art is analogous. The art must either be from the same field of endeavor or, if not within the same field of endeavor, must be "reasonably pertinent" to the particular problem with which the inventor is involved. See *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992). Applicants note that while the Supreme Court recently held that "familiar items may have obvious uses beyond their primary purposes" in *KSR Int'l Co. v. Teleflex, Inc.*, the Supreme Court did not abolish the foregoing criteria for determining whether prior art is analogous. See *KSR Int'l Co. v. Teleflex, Inc.,* 127 S. Ct. 1727, 1742 (2007). In fact,

Applicants note that the Federal Circuit, as well as the Board of Patent Appeals and Interferences (BPAI), have applied the foregoing criteria for determining whether prior art is analogous following the *KSR* decision. See, for example, *In re Icon Health & Fitness, Inc.*, 496 F.3d 1374 (Fed. Cir. 2007) and *Ex Parte Ralph Kurt,* Appeal 2007-4172, BPAI (2007). In determining whether a reference is "reasonably pertinent," the purpose of both the invention and the prior art are important, as well as determining whether the matter with which the art deals would have "commended itself to an inventor's attention" in considering the inventor's problem. See *Clay*, 966 F.2d at 659.

Applicants respectfully submit that DiBattista is not within the field of endeavor of the subject application, as the subject application is directed to forming an airbag device and the device of DiBattista is directed to a seat assembly. Applicants further submit that the device of DiBattista is not "reasonably pertinent" to the present application, as the matter with which it deals (i.e., forming a ***rigid*** seat assembly) would not have "commended itself to an inventor's attention" in designing a method of forming an airbag.

The purpose of the device of DiBattista is to form a seat assembly capable of supporting a person thereon. See DiBattista at the Abstract. As set forth above, DiBattista discloses use of ABS or PC in forming a component of the seat assembly but does so only in conjunction with forming the ***rigid*** seat support (10). See DiBattista at Paragraph [0027]. In contrast, the method of the subject patent application includes blow molding a plastic comprising ABS and PC to form an airbag capable of being inflated. Given the foregoing, Applicants respectfully submit that one of ordinary skill in the art—when designing an airbag capable of inflation—would not look to a system that

forms a ***rigid*** structure (i.e., rigid seat support (10)) incapable of such inflation. Based on the foregoing, Applicants respectfully submit that the device of DiBattista is not reasonably pertinent to the device of the subject patent application and, as such, respectfully submit that DiBattista is non-analogous art.

In light of the foregoing, Applicants respectfully submit that independent Claims 1 and 13, as well as Claims 2, 5, and 9-12, respectively dependent therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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